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July 13, 1999

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

Ms. Magalie Roman Salas  
Secretary  
Federal Communications Commission  
The Portals  
445 Twelfth Street, S.W.  
Washington, D.C. 20554

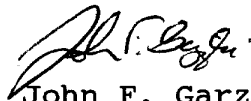
**Re: Amendment of Section 73.202(b)  
FM Table of Allotments  
(Mishicot, Wisconsin; Gulliver,  
Manistique and Rogers City, Michigan)  
(MM Docket No. 99-145; RM-9336)**

Dear Ms. Salas:

Transmitted herewith on behalf of Bay-Lakes-Valley Broadcasters, Inc. is an original and four copies of its Reply Comments in response to the June 28, 1999 Comments of Great Lakes Radio, Inc., the licensee of WCMM(FM), Gulliver, Michigan, and pursuant to the Notice of Proposed Rule Making and Order to Show Cause, DA 99-868, MM Docket No. 99-145, RM-9336, released May 7, 1999.

Should any questions arise concerning this matter, please contact this office directly.

Sincerely,



John F. Garziglia  
Patricia M. Chuh

Enclosures

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Before the  
**FEDERAL COMMUNICATIONS COMMISSION**  
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In the Matter of )  
 )  
Amendment of Section 73.202(b), ) MM Docket No. 99-145  
Table of Allotments, ) RM-9336  
FM Broadcast Stations. )  
(Mishicot, Wisconsin; Gulliver, )  
Manistique and Rogers City, Michigan) )

To: Chief, Allocations Branch

**REPLY COMMENTS**

Bay-Lakes-Valley Broadcasters, Inc., the licensee of WGBM(FM), Mishicot, Wisconsin, by its attorneys, hereby submits its Reply Comments in response to the Comments of Great Lakes Radio, Inc., the licensee of WCMM(FM), Gulliver, Michigan, which was filed on June 28, 1999 in response to the Notice of Proposed Rule Making and Order to Show Cause, DA 99-868, MM Docket No. 99-145, RM-9336, released May 7, 1999 ("NPRM").<sup>1/</sup> The following is respectfully submitted for the Commission's consideration:

**Reply Comments**

1. Bay-Lakes-Valley Broadcasters, Inc. hereby reiterates once again its commitment to reimburse the licensee of WCMM(FM), Gulliver, Michigan for the "reasonable" costs incurred in changing frequencies, should the Commission adopt the allotment plan proposed in the NPRM by: (1) substituting Channel 234C3 for Channel 234A at Mishicot, Wisconsin and modifying the license for WGBM(FM) to specify operation on Channel 234C3, and (2)

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<sup>1/</sup> The NPRM established July 13, 1999 as the deadline for filing reply comments. Accordingly, the instant filing of these Reply Comments is timely.

substituting Channel 273C1 for Channel 234C1 at Gulliver, Michigan and modifying the license for WCMM(FM) to specify operation on Channel 234C1. Although Bay-Lakes-Valley Broadcasters, Inc. intends to negotiate in good faith with the licensee of WCMM(FM), it is respectfully noted, however, that it is Bay-Lakes-Valley Broadcasters, Inc.'s understanding that Great Lakes Radio, Inc. is entitled to reimbursement under the Commission's guidelines set forth in Circleville and Columbus, Ohio, 8 FCC Rcd 159 (1967). In Circleville, the Commission held that reimbursement is proper for: (i) engineering, legal and equipment charges; (ii) printing (logs and stationery); (iii) out of pocket nonreducible expenses while the station is off the air; (iv) advertising promotion for the new frequency; and (e) miscellaneous expenses.

2. Reimbursement of costs incurred by the affected station, both technical and promotional, is left to the good faith negotiation of the parties involved. Great Lakes Radio, Inc. is not entitled to reimbursement of costs attributable for voluntary changes such as upgrading the station's equipment, or to costs for excessive promotional or advertising activities not reasonably required by the frequency change. Parties are expected to reach a reasonable and equitable agreement in an expeditious manner. It is not the Commission's policy to mediate, at the outset, claims to establish the amount of reimbursement. The Commission will do so only as a last resort. See, e.g., Harold A. Jahnke, 46 RR 2d 659 (1979), Mayfield and Wickliff, Kentucky, 48 RR 2d 1232 (1981). See also Red Oak, Iowa and Mayville, Missouri, 39 RR 2d 111 (1979).

### **Conditional Counterproposal**

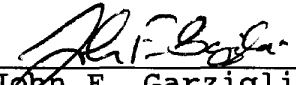
3. Bay-Lakes-Valley Broadcasters, Inc. did not receive copies of any comments or counterproposals other than that filed by Great Lakes Radio, Inc. as of the filing date of these Reply Comments. Bay-Lakes-Valley Broadcasters, Inc. hereby respectfully reiterates that the Commission should consider the conditional counterproposal advanced by Bay-Lakes-Valley Broadcasters, Inc. in its June 28, 1999 Comments and Conditional Counterproposal only in the event that a timely filed conflicting counterproposal appears in this rule making proceeding, or in the event that the allotment plan proposed in the NPRM cannot be adopted for other reasons.

WHEREFORE, for the reasons above, the Commission should substitute Channel 234C3 for Channel 234A at Mishicot, Wisconsin and modify the license of WGBM(FM) to specify operation on Channel 234C3, and substitute Channel 273C1 for Channel 234C1 at Gulliver, Michigan and modify the license of WCMM(FM), Gulliver, Michigan to specify operation on Channel 273C1.

Respectfully submitted,

**BAY-LAKES-VALLEY BROADCASTERS, INC.**

By: \_\_\_\_\_

  
John F. Garziglia  
Patricia M. Chuh  
Its Attorneys

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July 13, 1999

**CERTIFICATE OF SERVICE**

I, Lisa Skoritoski, a secretary in the law firm of Pepper & Corazzini, L.L.P., do hereby certify that true copies of the foregoing "Reply Comments" were sent this 13th day of July, 1999 by U.S. first class mail, postage prepaid, to the following:

Great Lakes Radio Incorporated  
101 Huron Court  
Negaunee, MI 49866  
(Licensee of WCMM(FM), Gulliver, Michigan)

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Applicant for Channel 260A at Manistique, Michigan)

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Lisa Skoritoski